

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

CYNTHIA M. FREY (CABN 150571)  
Assistant United States Attorney  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-7234  
E-Mail: cynthia.frey@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
 )  
 v. )  
 )  
 MILTON KAULULAAU, )  
 )  
 Defendant. )

No. CR 12-0675 WHA

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
OCTOBER 23, 2012 TO DECEMBER 4,  
2012 FROM CALCULATIONS UNDER  
THE SPEEDY TRIAL ACT  
(18 U.S.C. § 3161)

The defendant, Milton Kaululaau, represented by Randy Sue Pollack, Esq., for Jai Gohel, Esq., and the government, represented by Cynthia Frey, Assistant United States Attorney, appeared before the Honorable William Alsup on October 23, 2012 for a status conference. The defense requested and the Court ordered a continuance to December 4, 2012, for a change of plea or trial setting.

The parties agreed that time should be excluded under the Speedy Trial Act between October 23, 2012 and December 4, 2012 for purposes of continuity of counsel and effective preparation of counsel, in order to provide defense counsel with adequate time to review the

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1 discovery, conduct additional investigation, and consult with the defendant. In addition, the  
2 defendant agrees to exclude for this period of time any time limits applicable under 18 U.S.C. §  
3 3161. The parties represent that granting the continuance, is necessary for continuity of defense  
4 counsel and effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
5 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a  
6 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18  
7 U.S.C. § 3161(h)(7)(A).

8  
9  
10 SO STIPULATED:

11 MELINDA HAAG  
12 United States Attorney

13 DATED: November 5, 2012

14 /S/  
CYNTHIA M. FREY  
15 Assistant United States Attorney

16  
17 DATED: November 5, 2012

18 /S/  
JAI GOHEL  
Attorney for MILTON KAULULAAU

1 Based upon the representation of counsel and for good cause shown, the Court finds that  
2 failing to exclude the time between October 23, 2012 and December 4, 2012 would unreasonably  
3 deny the defendant continuity of counsel and would deny counsel the reasonable time necessary  
4 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
5 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time  
6 between October 23, 2012 and December 4, 2012 from computation under the Speedy Trial Act  
7 outweigh the best interests of the public and the defendant in a speedy trial.

8  
9 Therefore, IT IS HEREBY ORDERED that the time between October 23, 2012 and  
10 December 4, 2012 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
11 §§ 3161(h)(7)(A), and 3161(h)(7)(B)(iv).

12  
13  
14 DATED: November 6, 2012.

